Panel

June 2, 1969

Attorney General John Mitchell
Department of Justice
Washington, D.C.

Dear Mr. Mitchell,

After I twice wrote you beginning three months ago, I got a non-responsive reply, for you, in the name of your Assistant Attorney General in charge of the Criminal Division, from his Chief of the General Crimes Section. Without my ever having gotten any kind of honest or meaningful answer to my inquiry of your Department, under any administration, this one began with the bald statement "that further exchange of correspondence between yourself and the Department of Justice on this matter will serve no useful purpose."

At this point, after five unanswered letters subsequent to my receipt of this accurate forecast that you would never respond, letters in which I asked for access to what I am entitled to under the law it is your obligation to enforce, it looks very much as if the Department of Justice is more afraid that correspondence would serve a useful purpose, a purpose of yours.

As I wrote earlier, I do understand that busy executives must delegate to those under them what they cannot attend personally, as they must also depend upon others for the information they have. This in no way diminishes the responsibility of those in charge. The Attorney General still runs the Department of Justice. It is, I believe, your responsibility to see that the laws are observed, by you and by your Department, as it is to see that citizens making proper inquiries get proper response within a reasonable time.

When a citizen asks his Department of Justice for access to court records and cannot get an answer, things have passed a deplorable state in a country such as ours. I have made this request; you have not responded. Practically, this means you have refused me. I believe you cannot.

After you or your office referred my first two letters to Mr. Rehnber I thereafter wrote him. Because he has not once responded, in any way, I again address you. I have two purposes. To the degree I can, I want to be certain that you know the situation, for the responsibility is yours, and, if necessary, I want to invoke the laws that entitle me to that which I seek. I prefer not to have to resort to this, as I would hope you would, too.

I made specific requests for specific information in letters to your Department between March 30 and April 28. If I am refused this information, I respectfully request citation of the authority under which you refuse it. In each case I also ask that you provide me with the forms and instructions I will need to seek to obtain this information under the "Freedom of Information"

law. It is my intention to invoke the provisions of this law, if necessary. May I call to your attention that I have, in the past, asked the Government for the means of utilizing this law without ever having been so equipped? I do not think this was the intent of Congress in enacting the law.

Among those documents I have sought unsuccessfully is a memorandum of transfer of the President Kennedy autopsy material, as set forth and described in earlier correspondence in your files. Respectfully I call to your attention the fact that this document is one of the working papers of the special panel convened by your predecessor and by it was so inventoried. I believe this removes it from any executive authority to withhold it and I herewith renew my request for it.

Under the previous administration, when I asked for access to the improperly-withheld David W. Ferrie material, I was told by Mr. Vinson that a review was under way. I have since asked the results of this review and have had no response. I renew the question, renew the request for this material, and would like the necessary instructions and forms for application under the above-cited law should I again be denied. May I, in this connection, call to your attention the seeming impropriety and the inconsistency in the government claiming in court, to a litigant, that he has not exhausted his administrative remedies while the same government denies another access to his administrative remedies?

While I am unwilling to believe it, when I was informed that agents of the Federal Bureau of Investigation were defaming me, I did call this report to your attention, believing, as I do, that there should be at least a pro forma denial of it. Aside from Mr. Belcher's assurance "that such conduct would be in complete disregard of Departmental and Bureau policy" and his statement that a copy of my letter was sent "to the Director of the Bureau for his consideration" I have heard nothing. When that Bureau promises to send me a copy of its press release and doesn't, and when that Director fails to respond to a written request for a press release, perhaps I should not be surprised at the absence of a for-the-record denial. However, I would prefer to think the Attorney General of the United States would not be content for the matter to rest here.

I have often requested a copy of the spectrographic analysis of the bullet and fragments of bullets alleged to have been used in the murder of President John Kennedy. My written requests to the Director has never been answered. I hereby renew this request, asking, if I am denied, for a statement of the reason or reasons and the instructions and forms for invocation of the Freedom of Information law. With regard to the Warren Commission file identified as CD47:7, I make the same requests, as I do with CD1269.

Among those unanswered requests referred to above is the evidence presented in court in England. I would now like to broaden that to include that used in Memphis, directly and indirectly, in the case of James Earl Ray.

When I make requests of the National Archives, there now is a delay of not less than two months before there is any kind of response, when there is one. I believe this, in itself, clouds the purposes and integrity of the government. Your own Department does not respond at all. I do hope you will correct this, that you will agree that when a citizen and more, a writer, makes proper inquiry of the Government, response should be as prompt as possible.

Sincerely,
Harold Weisberg